

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

_____	)	
IN RE:	)	CASE NO. 16-11220-BFK
	)	
X K SPORTS, LLC	)	Chapter 11
	)	
Debtor	)	
_____	)	
MIDDLEBURG BANK	)	
	)	
Plaintiff	)	
	)	
v.	)	
	)	
X K SPORTS, LLC	)	
	)	
Defendant,	)	
	)	
And	)	
	)	
JUDY A. ROBBINS	)	
TRUSTEE	)	
	)	
Defendant	)	

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

COMES NOW, Middleburg Bank, a Virginia state-chartered financial institution (“Bank”), by counsel, and pursuant to 11 U.S.C. §362(d) of the Bankruptcy Code, hereby moves this Honorable Court to grant it relief from the automatic stay herein to permit Bank

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Counsel for Middleburg Bank

to enforce its liens against property of the Debtor, and in support of the Motion states as follows:

1. That this is a proceeding seeking relief from the automatic stay and is a contested matter pursuant to Bankruptcy Rules 4001 and 9014, and this matter is a core proceeding and that this Court has jurisdiction properly founded upon 28 U.S.C. 157 and 1334.

2. XK Sports, LLC (“Debtor”), filed on April 5, 2016 a petition for relief under Chapter 11 of the Bankruptcy Code.

3. Loudoun Gymnastics Center, Inc. is obligated to Bank pursuant to a Promissory Note dated August 3, 2005, in the original principal amount of Seven Hundred Fifty-Seven Thousand Five Hundred Dollars (\$757,500.00), as modified by Change in Terms Agreement dated February 3, 2006, further modified by Change in Terms Agreement dated May 3, 2006, further modified by Change in Terms Agreement dated November 3, 2006, made by Loudoun Gymnastics Center, Inc. and fully and unconditionally guaranteed by Xiaokui Ma and Ping Wang (collectively the “First Note”) and other loan documents (the “First Loan Documents”).

4. The Bank is owed a principal amount of Five Hundred Fifty-Four Thousand Eight Hundred Twenty-One and 59/100ths Dollars (\$554,821.59), plus accrued interest, costs and fees in accordance with the terms of the First Note.

5. The First Note is secured by a Credit Line Deed of Trust dated August 3, 2005 in the original principal amount of Seven Hundred Fifty-Seven Thousand Five Hundred Dollars (\$757,500.00), recorded as Instrument Number 20050804-0086750 and

corrected and re-recorded as Instrument Number 20051101-0123923 among the land records of Loudoun County, Virginia (the "First Trust").

6. The First Note is further secured by Assignment of Rents dated August 3, 2005 recorded as Instrument Number 20050804-0086751 and corrected and re-recorded as Instrument Number 20051101-0123924 among the land records of Loudoun County, Virginia (the "First Assignment").

7. The First Trust and the First Assignment are secured by property owned by the Debtor known as 21586 Atlantic Blvd., Unit 130, Sterling, VA, and is more particularly described as:

Unit No. 130, Building A, STEEPLECHASE CENTER, A CONDOMINIUM, and the limited common elements appurtenant thereto, including limited common element parking space(s) 112-122, 185-193, established by condominium instruments recorded July 14, 2005 as Instrument No. 20050714-0075456, with plat recorded as Instrument No. 20050714-0075457, amended by Instrument No. 20050714-0075466 and any supplemental declarations and/or amendments recorded subsequent thereto, among the land records of Loudoun County, Virginia.

TOGETHER WITH an undivided percentage interest appurtenant to the Unit in all common elements of said project, as described in Declaration and subsequent amendments.

TOGETHER WITH the right of ingress and egress to and from said property, and the right to use, for all proper purposes, in common with the Declarant, its successors and assigns and all other occupants from time-to-time, any and all portions of the Condominium's General Common Elements as designated by statute.

SUBJECT TO the reservations, restrictions on use and all covenants and obligations set forth in said Declaration, recorded as Instrument No. 20050714-0075456, and any/all subsequent amendments thereto, among the said land records, and set forth in the Bylaws of the Unit Owners Association attached thereto, as they may be amended from time-to-time, all of which restrictions, conditions, assessments and all other covenants are incorporated herein by reference and which shall be binding on said Grantee(s) and their successors, heirs and assigns (the "Property").

8. XK Sports LLC. is obligated to Bank pursuant to a Promissory Note dated October 24, 2011, in the original principal amount of Seven Hundred Thirty-Six Thousand Dollars (\$736,000.00), made by XK Sports LLC and fully and unconditionally guaranteed by Xiaokui Ma and Ping Wang (collectively the "Second Note") and other loan documents (the "Second Loan Documents").

9. The Bank is owed a principal amount of Five Hundred Seventy-One Thousand Seven Hundred Thirty-Four and 04/100ths Dollars (\$571,734.04), plus accrued interest, costs and fees in accordance with the terms of the Second Note.

10. The Second Note is secured by a Deed of Trust dated October 24, 2011 in the original principal amount of Seven Hundred Thirty-Six Thousand Dollars (\$736,000.00), recorded as Instrument Number 20111025-0065797 among the land records of Loudoun County, Virginia (the "Second Trust").

11. The Second Trust is secured by property owned by the Debtor known as 21586 Atlantic Blvd., Unit 130, Sterling, VA, and is more particularly described as:

All that certain lot or parcel of land lying and being situate in the County of Loudoun, State of Virginia and more particularly described as follows:

Unit Number 130, Building A, STEEPLECHASE CENTER, A CONDOMINIUM, and the limited common elements appurtenant thereto, including parking space(s) 112-122, 185-193, established by condominium instruments recorded on July 14, 2005 as Instrument Number 200507140075456, with plat recorded as Instrument Number 200507140075457, amended by Instrument Number 200507140075466 and any supplemental declarations and/or amendments recorded subsequent thereto, among the land records of Loudoun County, Virginia (the "Property").

12. The First Note and the Second Note are in default and default was declared on April 1, 2016 by the Bank.

13. Loudoun County has currently assessed the Property for a land value of Two Hundred Forty-Six Thousand Two Hundred Dollars (\$246,200.00), a building value of Nine Hundred Thirty-Five Thousand Four Hundred Seventy Dollars (\$935,470.00), for a total assessed value of One Million One Hundred Eighty-One Thousand Six Hundred Seventy Dollars (\$1,181,670.00).

14. The Debtor has valued the Property in its Schedules as having a value of One Million Three Hundred Thousand Dollars (\$1,300,000.00).

15. The Bank's interest in the Property is not adequately protected.

WHEREFORE, all parties served with this Motion are hereby advised pursuant to L.R. 4001(a)-1 that a written response to this Motion must be filed with the Clerk of the United States Bankruptcy Court and served on the undersigned counsel for Bank within fourteen (14) days of the date of service of this Motion, and Bank does further pray that this Court grant it relief from the automatic stay pursuant to 11 U.S.C. 362(d) to permit it to enforce its lien rights in the First Trust and the Second Trust and foreclose against the Property, and that Bank have such other and further relief as this Court may deem just.

MIDDLEBURG BANK  
By Counsel

/s/ John B. Connor  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Middleburg Bank's Motion for Relief from the Automatic Stay was mailed first class, postage prepaid, this 26<sup>th</sup> day of May 2016 to:

X K Sports, LLC  
c/o XiaoKui Ma  
43096 Unison Knoll Circle  
Ashburn, VA 20148  
(Debtor)

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14406 Old Mill Road, #201  
Upper Marlboro, MD 20772  
(Counsel for Debtor)

Bradley David Jones  
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10964 Inspiration Point Place  
Manassas, VA 20112  
(Substitute Trustee)

/s/ John B. Connor  
John B. Connor